

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

TOMMIE QUINDALE BRASLY

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Case No. 4:10cr7
(Judge Schell)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 24, 2014, to determine whether Defendant violated his supervised release.

On March 3, 2011, Defendant was sentenced by the Honorable Richard A. Schell to forty-one (41) months' custody followed by three (3) years of supervised release for the offense of Bank Robbery. On January 4, 2013, Defendant completed his period of imprisonment and began service of his supervised term.

On November 21, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall not commit another federal, state, or local crime.

The petition alleges that Defendant committed the following acts: On November 15, 2013, Defendant was arrested for Sexual Assault of a Child, Second Degree Felony. Defendant pleaded guilty to this offense and is currently serving a ten-year sentence.

Prior to the Government putting on its case, Defendant entered a plea of true to the violation. The Court recommends that Defendant's supervised release be revoked. The sentencing range for this violation is fifteen to twenty-one months.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months with no supervised release to follow. It is also recommended that this sentence should be served consecutively to any sentence of imprisonment the Defendant is currently serving. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 24th day of September, 2014.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE